THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.32691 of 1997

02.08.2007

Between

Datla China Venkatapathi Raju

…Petitioner

And

The Authority under Minimum Wages Act & Assistant Commissioner of Labour, Khammam and others.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.32691 of 1997

ORDER:

This writ petition is filed by the petitioner-employer aggrieved by the order passed by the Authority under Minimum Wages Act, 1948 (for short 'the Act').

The respondents 2 to 7 herein filed an application before the Authority under the Minimum Wages Act & the Assistant Commissioner of Labour, Khamma, the first respondent herein, under Section 20(2) of the Act seeking a direction to the petitioner-employer for payment of differential minimum wages as per G.O.Ms.No.31, dated 06.03.1991. According to the respondents 2 to 7, the petitioner-employer was not paying minimum wages as

prescribed by the Government in the above referred G.O. Therefore, they sought appropriate orders. The said application was contested by the petitioner-employer. Both sides adduced evidence – both oral and documentary. After considering the rival contentions and evidence on record, the first respondent passed an order directing the petitioner-employer to deposit an amount of Rs.20,274/- with one time compensation, totaling Rs.40,548/- being the difference of minimum wages for the period from 01.10.1993 to 31.03.1994 by way of DD in the name of the Authority under Minimum Wages Act & Assistant Commissioner of Labour, Khammam, within 30 days from the date receipt of the said order. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner contended that the first respondent negatived the evidence adduced by the petitioner on the ground that only Xerox copies of wage registers were filed for the disputed period and therefore, the same cannot be relied upon. It is contended by the learned counsel that Xerox copies were filed as the original records are required to be kept in the office. It is further contended that even the Xerox copies that were produced before the Authority contains the endorsement of the competent authority who had inspected the books of accounts and who had certified

the books and with such endorsement those copies were filed. Therefore, there is no merit in rejecting the books of accounts produced by the petitioner, as according to the petitioner minimum wages as prescribed by the Government have already been paid to the respondents 2 to 7.

The said contention of the learned counsel for the petitioner is opposed by the learned counsel for the respondents. It is contended that nothing prevented the petitioner from producing original records to show that the petitioner has been paying minimum wages as per the guidelines of the Government and as the petitioner failed to produce satisfactory evidence, the Authority passed the impugned order and the same does not call for any interference.

Heard both sides and considered the material on record.

As per the interim orders passed by this Court, entire amount awarded is stated to have been deposited and half of the amount deposited was permitted to be withdrawn. Since the contention of the learned counsel for the petitioner is that the Authority erroneously rejected the Xerox copies filed by the petitioner though they are reliable, this Court while exercising review jurisdiction

under Article 226 of Constitution of India cannot go into the said allegation as to the genuineness or otherwise of the documents which were filed before the Authority. The Authority after referring to the documents and considering the material on record, recorded a finding in favour of the respondents 2 to 7 and therefore, this Court declines to interfere with the impugned order.

Accordingly, the writ petition is dismissed. The half of the amount kept in deposit with the Authority may be permitted to be withdrawn by the respondents 2 to 7 without furnishing any security. No costs.

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02.08.2007

VGB